

Notice of Allowability

Application No.

10/749,445

Examiner

Charles Goodman

Applicant(s)

LENZ, BERND

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 12/05/2005.
2. ☒ The allowed claim(s) is/are 1-11 and 15-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


CHARLES GOODMAN
PRIMARY EXAMINER

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The prior art of record do not anticipate nor do they reasonably suggest a system and method for cutting a multi-walled material as claimed in claims 1 and 13. The closest prior art, Krippelz (US 5,410,934), teaches a swivelable guide head for a band saw comprising many of the claimed elements including, inter alia, a frame (e.g. 22); a worktable (e.g. 36); a bandsaw blade (e.g. 28a, b); a first blade tensioning device (38); and rotational bearing (e.g. 80, 104). Figs. 11-13. However, Krippelz lacks the movable base and the step for offsetting the path of the blade. Arguably, the base of Krippelz may be construed as being "movable" simply by the fact that it is detachably mounted to the frame of the band saw. In contrast, with respect to claim 1, the movable base provides the nexus for performing the function of offsetting the path of the blade, and with respect to claim 15, the lack of this feature or similar means results in the lack of ability to perform the offsetting step without twisting the band saw blade. It is noted that the guide heads of Krippelz allow for twisting of the blade, thus reading on the "offset" limitation in a reasonably broad interpretation to the extent that the blade path is changed due to the twisting. In sum, the base is not movable or adjustable because once it is mounted to the frame, it is fixed in position. Another closely related prior art, Eklund (US 4,342,241), teaches a band saw device and method in which the blade guides (e.g. 31, 32) have a base (at 31, 32) that is movable to tension the blade, such action necessitates offsetting the saw blade. Moreover, Eklund teaches selective twisting of the blade. Thus, Eklund may be construed as teaching the obviousness of having a movable base per se. However, due to the specifics of each device in each references, it

is deemed that there is no suggestion to modify Krippelz with the movable base of Eklund and vice versa.

First, Krippelz's invention provides no means or step to allow for lateral displacement, and it is well known in the sawing art that band saw blades are placed in tension to function properly. Due to the lack of specific teachings to that effect with respect to Krippelz, one of the most obvious tensioning means is facilitated by relative adjustable positioning between the two pulleys. Therefore, no further tensioning is necessary. The above is in reference to claim 1. With respect to claim 15, Eklund may be deemed to anticipate the steps to the extent that the band saw blade is moved an offset distance, but Eklund performs such function by allowing the head of the guide to swivel at the same time. Note c. 2, l. 47 - c. 3, l. 10. Thus, Eklund's teachings fails to anticipate the "without twisting the saw blade" aspect of the step.

Second, both references have guides of very specific configurations to allow twisting of the blade. Therefore, modification of the same in either reference would be destroying the teachings of those references. For example, claim 1 calls for a rotational bearing defining an annular bearing surface. Eklund lacks an annular bearing surface. Krippelz teaches the lacking feature. However, to modify Eklund with the teachings of Krippelz would result in a configuration that is a drastic departure from the specific examples given by Eklund. Note e.g. Figs. 4-6 and 8 in Eklund. With respect to claim 15, both references fail to anticipate or render obvious the claimed invention for substantially the same reason that both facilitate twisting of the blade.

For the above reasons, it is believed that the claimed inventions with the lacking feature and step in combination with all the other recited limitations are allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (571) 272-4508. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (571) 272-4514. In lieu of mailing, it is encouraged that all formal responses be faxed to **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

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Primary Examiner

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